

RALPH S. BERGER

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PROFESSION: Arbitrator and Mediator (1982 – present)

ALTERNATE DISPUTE RESOLUTION EXPERIENCE:

Since 1982, extensive experience in arbitration (over 4,000 cases) and mediation (over 600 cases) of labor-management and employment disputes involving a wide variety of issues in the private, public and not-for-profit sectors. Designated impartial in numerous (over 100) collective bargaining agreements including Major League Baseball Player Relations Committee & MLBPA; National Hockey League & NHLPA; Alliance of Motion Picture & Television Producers & SAG/AFTRA; Continental Airlines & AFA; DHL Express & IBT 851; Southern Air & APA Teamsters 1224; Northwest Airlines & AFA; TWA & ALPA; USAir Shuttle & AFA; El Al & IAMAW; UPS & IBT, 2727/804/177/IPA; Airborne Freight and IBT, 851; Flying Tiger & IAMAW, 141; NY-NJ Port Authority & PBA/BTU/SOA/CWA/TWU; NYC Dept. of Education & UFT/CSA; *NY Daily News* & Deliverers Union; Con Edison/NY Power Authority & UWUA, 1-2; Triborough Bridge & Tunnel Authority & BTOBA; League of American Theatres and Producers & AFM, 802/Actors' Equity; League of Voluntary Homes and Hospitals & 1199, SEIU; Barney's/Brooks Bros. & UNITE, 340; Macy's & RWDSU, 1; CCC-ILA Program for Drug & Alcohol Abuse; Verizon & IBEW, 827; several benefit & pension funds. Ad hoc designations include cases with Airtran Airways & AFA-CWA; Aer Lingus & IAMAW, 142; Caribbean Transportation & ILA; LIRR & Fed'n of Police; AMTRAK & American Fed'n of Railroad Police; Air India & IBT, 732; and Eastern Airlines & IAMAW. Grievance mediator/fact finder for Rutgers and Columbia universities and their faculties. Designated mediator -- Merrill Lynch Claims Resolution Process, Texaco, GSA/EEO, and several financial institutions and utilities. Arbitrator (pursuant to Consent Decree) to determine damages on account of racial discrimination for an investors service.

ISSUES: • Affirmative Action • Absenteeism • Arbitrability • Bargaining Unit Work
• Conduct (Off-Duty/Personal) • Demotion • Discipline (Non-Discharge) • Discipline (Discharge)
• Discrimination (Age, Disability, Race, Sex, Religion, National Origin) • Drug/Alcohol Offenses
• Fringe Benefits (Bonus, Holidays, Insurance, Leave, Vacation) • Grievance Mediation
• Health/Hospitalization • Hiring Practices • Job Performance • Job Posting/Bidding • Jurisdictional Disputes • Layoffs/Bumping/Recall • Management Rights • Official Time • Past Practices • Pension and Welfare Plans • Promotion • Retirement • Safety/Health Conditions • Seniority • Sexual Harassment
• Strikes, Lockouts, Work Stoppages, Slowdowns • Subcontracting/Contracting Out
• Tenure/Reappointment • Union Security • Wages (Cost-of-Living Pay, Holiday Pay, Incentive Pay, Job Classification & Rates, Merit Pay, Overtime Pay, Severance Pay, Vacation Pay) • Work Hours/Schedules/Assignments • Working Conditions/Work Orders • Violence or Threats

ARBITRATION ROSTERS: • American Arbitration Ass'n • National Mediation Bd • Federal Mediation & Conciliation Service • NYS PERB • NJ PERC • NYS Employment Relations Bd • NJS Bd of Mediation • Virgin Islands PERB • NYS Dept of Ed-Sec. 3020(a) • NYS Human Rights Arbitration Panel • NYC Office of Collective Bargaining • Dade Cty, FL Hearing Examiner System • NY-NJ Port Authority Employment Relations Panel • GSA-EEO Mediation Panel • CPR Institute for Dispute Resolution

WORK HISTORY:

- 1978 - 1981: **National Labor Relations Board, Attorney**
- 1981 - 1985: **New York City Office of Collective Bargaining, Trial Examiner**
- 1981 - present: **Cornell University, NYSSILR, Adjunct Lecturer**

Ralph S. Berger (continued)

PROFESSIONAL AFFILIATIONS:

National Academy of Arbitrators
American Arbitration Association
New York State Bar Association

EDUCATION:

- Cornell University, NYSSILR (B.S.)
- Hofstra Law School (J.D.)

PROFESSIONAL LICENSES: Admitted to the Bar: New York, 1979; U.S. District Courts, Eastern and Southern Districts of New York, 1979; U.S. Supreme Court, 2006

PUBLICATIONS AND SPEAKING ENGAGEMENTS:

Publications include “What Arbitrators Really Need to Know in Health Care Arbitration,” ARBITRATION 2003, ARBITRAL DECISION-MAKING; CONFRONTING CURRENT AND RECURRENT ISSUES, PROCEEDINGS OF THE 56TH ANNUAL MEETING, NAA (BNA 2004) (adapted from presentation); and “Differences in Arbitrating Labor and Employment Disputes,” NEW YORK LAW JOURNAL (July 10, 1996) (adapted from presentation at AAA Employment Arbitration Training, 5/96). Frequent lecturer for the American Arbitration Association; Cornell University, NYSSILR; and Labor Arbitration Institute. Various additional articles and speeches on contemporary employment-related issues such as off duty misconduct, drugs and alcohol, AIDS, sexual harassment, due process and fundamental fairness, and violence in the workplace.

FEES:

Per Diem Fees: Labor Arbitration: \$2,000.00

A full per diem fee will be charged for each full or partial day of hearing; time required for study and writing will be pro-rated.

Cancellation Policy: A full per diem fee will be charged for each day of hearing canceled or postponed unless notice is received more than 28 days in advance of each scheduled hearing date.

Actual Expenses: Actual expenses will be billed as incurred and include air fare (lowest fully refundable fare available), car rental, taxis, tolls, parking, hotel and food.

Travel Time: Travel time on hearing days shall be charged on a pro-rated per diem basis if it exceeds a round-trip total of two hours. A full per diem fee will be charged for travel on any day other than the hearing day if necessitated by hearing location.